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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,214	09/11/2003	Dung T. Duong	86508ADAN	6554

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Milton S. Sales
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

ULLAH, AKM E

ART UNIT PAPER NUMBER

2874

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/660,214

Applicant(s)

DUONG, DUNG T.

Examiner

Akm Enayet Ullah

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/11/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Applicant cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Status of the Application

This application claims benefit of 60/173,783 filed on December 30, 1999.

Claims 1- 18 are pending in this application.

This application is Divisional application of 09/730,332, filed on December 05, 2000, now USPNO. 6,628,884.

If applicant is aware of any prior art or any other co- pending application not already of record, he/she is reminded of his/her duty under 37 CFR 1.56 to disclose the same.

If applicant provides prior art, he/she is requested to cite it on form PTO-1449 in accordance with the guideline set forth in MPEP 609.

Drawings Are Not Approved

This application has been filed on December 05, 2000 with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Title of Invention is Not Descriptive

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Abstract of the Disclosure: Content

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Abstract of the Disclosure: Language

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seefried (USPATNO. 6,336,825 B1) or Nita (U.S.P.NO. 5,368,558) in view of Schuttloffel (USPATNO. 3,790,905) and Cohen (USPNO. 5,80,688) and Tein (USPNO. 3,617,109) and Pastor (USPNO. 4,088,116).

Seefried (USPATNO. 6,336,825 B1) or Nita (U.S.P.NO. 5,368,558) references disclose a waveguide device comprising a light guide body having a first and a second surface and a longitudinal axis and at least one of the surfaces is configured to be oriented non-parallel to the longitudinal axis.

Regarding claim 4, herein the light transmitting body further comprising a proximal portion and a distal portion and the proximal portion is symmetrical with distal portion is mentioned throughout the body of the specification of Nita reference. For an example, see column 11-14 of Nita reference.

The gist of the claimed invention clearly taught by the above-mentioned references (Seefried (USPATNO. 6,336,825 B1) or Nita (U.S.P.NO. 5,368,558). except for the light guide body is configured in an elliptical shaped along the longitudinal axis, as claimed.

The use of such elliptically configured waveguide device is well known in this optical waveguide art as is shown by Schuttloffel (USPATNO. 3,790,905), thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Schuttloffel (USPATNO. 3,790,905) (i.e., the elliptically configured device) in Seefried reference since Seefried mentioned in column 4, first paragraph, that the illuminating body can be identical to the light guiding body and can exhibit the desired shape of the light-guiding body for the optical waveguide device claimed.

Regarding claim 5 wherein the light transmitting body comprises a dielectric material is very elementary teachings in the optical waveguide art as is mentioned by Tien (USPNO. 3,617,109). It would have been obvious to one of ordinary skill in the art to utilize such dielectric material of Tien reference in Seefried reference for the optical waveguide device, as claimed.

Regarding claims 6 –7, wherein the light transmitting body is plastic material is also well known in this optical art as is shown by choen (USPNO. 5,80,688). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Choen in Seefried (USPATNO. 6,336,825 B1) or Nita (U.S.P.NO. 5,368,558) for the optical waveguide device claimed.

Regarding claim 8 wherein the light transmitting body comprises a glass material is shown by Paster (USPNO 4,088,116). For example see column 8, last paragraph of the Pastor. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use such teachings of Paster in Seefried (USPATNO. 6,336,825 B1) or Nita (U.S.P.NO. 5,368,558) for the optical waveguide device claimed.

Regarding claims 11-13, a coating material formed outwardly of at least one of at least one of the first and second surfaces, which fails to teach in the above-mentioned reference.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to any one of the primary reference (Seefried (USPATNO. 6,336,825 B1) or Nita (U.S.P.NO. 5,368,558) since super elastic metal alloys which are usable to form the ultrasound transmission member and these type of ultrasound transmission must require a coating material. For details see column 6 of Nita reference.

Claims 15 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knox et al (USPATNO. 4,091,343) in view of Ionov (USPNO 5,758,001).

Knox et al disclose an insulator waveguide directional coupler having a light source, which is operable to produce electromagnetic energy.

Knox et al fails to teach an elliptically configured waveguide device.

An elliptically configured waveguide device is very elementary teachings in this optical art as is shown by Ionov.

It would have been obvious to one of ordinary skill in the art to utilize the elliptically configured waveguide device of Ionov in Knox et al device since both device being directed to a common use in the same environment, there is an implied suggestion for applying the teachings of one to the other.

That is, is the skilled worker who is presumed to have knowledge of the prior art, with these two references (Knox et al (USPATNO. 4,091,343) in view of Ionov (USPNO 5,758,001) before him, would immediately recognize the desirability of employing the elliptical waveguide device taught by Ionov to the device of Knox et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akm Enayet Ullah whose telephone number is 571 – 272- 2361. The examiner can normally be reached on Monday through Wednesday from 5:30 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick, can be reached on Monday through Friday whose telephone number is 571- 272- 2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Akm Enayet Ullah
Primary Examiner
Art Unit 2874

Aullah

April 28, 2004